

Minutes of the Kansas Sentencing Commission Meeting October 5, 2005

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on October 5, 2005, at 1:40 p.m. The meeting was held in the Senate Room of the Jayhawk Tower Building, Topeka, Kansas.

Attendance

Members: Honorable Ernest L. Johnson, Chairman; Paul Morrison, District Attorney, Vice Chairman; Honorable Eric Rosen; Honorable Christel Marquardt; Senator Greta Goodwin; Representative Janice Pauls; Representative Kevin Yoder; Roger Werholtz, Secretary of Corrections; Rick Kittel, Board of Indigents' Defense Services; Marilyn Scafe, Kansas Parole Board; Chris Mechler, Office of Judicial Administration; Annie Grevas, Director of Community Corrections, 28th Judicial District; Kathleen Lynch, Private Defense Attorney. Staff: Patricia Biggs, Executive Director; Julia Butler, Staff Attorney; Kunlun Chang, Research Director; Fengfang Lu, Senior Research Analyst; Lora Moison, Research Analyst; Brenda Harmon, Administrative Assistant; Janice Brasher, Grant Administrator; Marty Schmiedeler, Accountant; Jennifer Dalton, Research Analyst. Guest: Dr. Alex Holsinger, Associate Professor of Criminology, UMKC.

Approval of the Minutes

The Chairman referred to the minutes of the August 31, 2005, Kansas Sentencing Commission meeting. A motion was made to approve the minutes by Senator Greta Goodwin and seconded by Chris Mechler. The motion carried.

LSI-R Johnson County Pilot Project

Ms. Marilyn Scafe introduced Dr. Alex Holsinger, Associate Professor of Criminology at UMKC. He has been a resource for Department of Corrections and the 3-R Committee regarding the results of the Johnson County LSI-R Pilot Project. This Project began after Legislation was passed to allow that Johnson County be an exception to the Legislation that came with SB 323. The LSI-R is an assessment tool being used in Johnson County to decide placement and use of resources for offenders. It is more refined than past tools in that it measures static factors as well as dynamic factors regarding offender risk.

Dr. Holsinger is an authority on the LSI-R. He works with the Missouri DOC, as well as the Kansas DOC, and has trained agencies nation wide on the use of the LSI-R. He has helped to analyze the data collected from the Johnson County Pilot Project, and has been working on the Project since its inception. The idea behind the Johnson County Pilot Project was that Court Services and Community Corrections would work together to assess the offenders, and after sentencing to probation they are placed either in Court Services or Community Corrections, based on their LSI-R score. After the designated amount of time (2-3 years) data was analyzed. Dr. Holsinger discussed how the tool has

been successful. In summary, the instrument is working well in Johnson County. A handout was provided.

A motion was made by Vice Chair Paul Morrison and seconded by the Honorable Eric Rosen to adopt a Policy Statement based on the Johnson County Pilot Project to show the LSI-R is a valuable tool to supervise probationers, from a risk based perspective, and the Sentencing Commission would like to see it mandated state wide, limited to adult felonies. We will investigate the methods to finance the state wide availability. The motion carried.

CJ-3R (SB 45) Committee Update

Judge Marquardt gave an update on the Recodification Subcommittee. They're currently working on crimes involving animals. A draft was put out, and revisions are in process. They have asked for additional time to submit the report.

Ms. Mechler attended the Behavioral Health Subcommittee meetings. They are continuing to look at persons with mental illnesses and how best to meet their needs. The committee is going to meet this month to finalize a series of recommendations with an eye towards low cost and easy implementation for issues needing to be addressed (mental illness in criminal justice).

SB 123 Update

Ms. Biggs provided an update on 2003 - Senate Bill 123. Handouts were provided. In terms of the treatment budget, a supplemental was requested for FY 2006 (of 3.7 million) and a substantial increase was requested for FY 2007 (to total just under 12 million). That is approximately double what was expended in the current budget year. She had a meeting with the Division of Budget to discuss why the request was so much. The five areas covered were:

1. Number of offenders expected in SB 123 treatment
2. Treatment Payments within FY 2005
3. Cost of 12 months' consecutive treatment under this program
4. Auditing procedures presently being put in place or under way
5. Other activities that are planned and approved to refine treatment modality definitions.

Executive Session

A request was made by Ms. Patricia Biggs to go into Executive Session for 30 minutes to discuss contractual issues regarding the implementation of SB 123. Chairman Johnson went into Executive Session at 3:05 p.m. Executive Session was extended for ten minutes due to a request by Chairman Johnson. The Commission came out of Executive Session at 3:45 p.m.

A motion was made by Vice Chairman Paul Morrison and seconded by Annie Grevas to authorize a Memorandum of Understanding, to serve as a Contract for Payment as called for in the statute, with the Kansas Sentencing Commission and Community Corrections. The motion carried.

A motion was made by Vice Chairman Paul Morrison and seconded by Senator Greta Goodwin to have an inclusion in the Memorandum that the Kansas Sentencing Commission will not pay for treatment services beyond the “up to 18 months of sentence” for any one case or individual, as directed by Legislation. Furthermore, treatment will not be paid for under the SB 123 Program for offenders who are not in the target population group, pursuant to the statute. The motion carried.

Next Meeting

The next meeting is scheduled for Wednesday, November 9th, 2005, at 1:30 p.m.

The meeting was adjourned.